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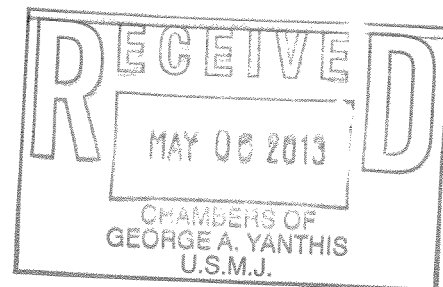
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May 2, 2013

Honorable George A. Yanthis  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601



**Re: Moskowitz et al. v. La Suisse Societe**  
**Docket No. 06-4404**  
**Our File #: 5076.0001**

Dear Judge Yanthis:

In accordance with this Court's rules, plaintiffs set forth their basis for an anticipated motion to stay this action pending a decision on the issues on this action which is expected very shortly from the courts in Switzerland.

I have been advised by counsel in Switzerland that the Swiss appellate court has issued a statement that briefing is complete and a decision will be rendered, shortly, regarding all of the issues, which virtually parallel the issues in the captioned action.

This Court is aware of the long, torturous history of the litigation and therefore I will refrain from providing a lengthy background. This action relates to policies of insurance issued by defendant, a Swiss insurer. There are scores of parallel litigations taking place in Switzerland, as well as other countries. This action and the Swiss actions center around the interpretation and meaning of certain provisions of policies of insurance issued by the defendant to the plaintiffs in this action as well as the plaintiffs in a large number of litigations commenced in Switzerland.

It is my understanding that this Court has already found Swiss law applies to the interpretation of the policy.

The Courts in Switzerland have decided virtually all the issues that remain open in this action. The Court in Switzerland, as I am told is commonly done in Switzerland, has accepted an

<sup>1</sup> I was not counsel of record during the period that numerous substantial motions were before the District Judge.

*Application denied. Dismissal is to proceed. so ordered. Am X-Cytle 5/14/13 us no*

MEMO ENDORSED

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LIPSIUS-BENHAIM LAW, LLP

The Honorable George A. Yanthis

May 2, 2013

Page 2

appeal in one action, a representative action, and has stayed the other actions, binding the lower courts in the other actions to the appellate decisions in the representative action.

It is respectfully submitted that the decision by the Swiss Court, though not binding upon this Court, will be instructive and control the direction of the instant litigation.

At this point, the amount in controversy in this action is less than \$200,000 and therefore, judicial resources could be used most effectively through the stay of this action until the issues are decided by the Swiss appellate court. That decision, if adopted by this court, will in all probability resolve this litigation, or, at the very least, narrow all of the issues in this matter.

The defendant insurer has recently noticed depositions. At the most recent deposition four attorneys representing the insurer were present. Discovery, which could be rendered meaningless by the pending and anticipated Swiss appellate court decision, will add unnecessary expense to this litigation. It is therefore in the interest of all parties, and judicial economy to stay discovery in this action pending the Swiss appellate decision.

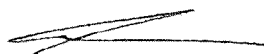
I have requested defendant's counsel's consent to this motion; the consent was denied.

I will be pleased to provide to this court the original, as well as translation of the documents supplied by Swiss counsel indicating which issues are before the Swiss appellate court and attesting to the stay of the other actions pending in Switzerland.

Finally, this may be an opportune time to attempt to settle this matter through a Court conference, with clients present.

Very truly yours,

LIPSIUS-BENHAIM LAW, LLP



Ira S. Lipsius